

CHAPTER 80
ADDITIONAL PROGRAM REQUIREMENTS
DIVISION I
COMMUNITY BUILDER

261—80.1(15) Definitions. As used in this chapter:

“*Certified applicant*” means any eligible applicant or group of applicants which submits a community builder plan to the department for review and subsequently receives certification.

“*Department*” means the department of economic development.

261—80.2(15) Purpose. The purpose of the community builder program is to encourage local governments or coalitions of local governments to implement and complete comprehensive planning efforts for community development, business development and economic development. Certified applicants receive bonus points when applying for selected state financial assistance programs. Plans are required for communities which receive funding under these same programs.

261—80.3(15) Eligible participants. Incorporated cities, counties, unincorporated communities, clusters of cities, groups of counties and groups of unincorporated communities may submit community builder plans to the department. Plans from clusters or groups of local governments shall include contiguous jurisdictions to the maximum extent possible. Only the above-noted entities may submit community builder plans to the department for review, although participants may utilize or contract with other parties to prepare the plans. Private businesses may not submit community builder plans and are not eligible for bonus points.

261—80.4(15) Additional consideration for financial assistance. Any certified applicant shall be eligible for bonus points of not less than 5 percent and not more than 20 percent of the total points available when applying for the state financial assistance programs listed below.

80.4(1) The agency responsible for administering the program shall be responsible for assigning bonus points to the applications of certified applicants.

80.4(2) Financial assistance programs affected. The following state financial assistance programs shall assign bonus points to the applications of certified applicants:

- a. The community economic betterment account administered by the department.
- b. The community development block grant program administered by the department.
- c. The rural community 2000 program administered by the department.
- d. The revitalize Iowa’s sound economy program administered by the department of transportation.
- e. The chapter 220 housing program fund administered by the Iowa finance authority.
- f. The recycling projects program under Iowa Code chapter 455D administered by the department of natural resources.
- g. The resource enhancement and protection program administered by the department of natural resources.

261—80.5(15) Contents of community builder plans. At a minimum, each community builder plan shall include the following items:

80.5(1) A cover letter or letters signed by the mayor(s) or the chair(s) of the county board of supervisors from the community, communities, county or counties involved in transmitting the plan to the department. This letter shall designate a principal contact for correspondence regarding the plan, including a name, mailing address and telephone number. For plans involving groups of communities or clusters, a lead community and contact shall be designated.

80.5(2) A five-year strategic plan and vision designed to meet the needs of the local government(s) involved. This plan should identify the key assets and liabilities of the jurisdictions in-

volved, identify goals for development, and describe the community, business and economic development strategies to be followed locally during the next five years and their expected results. The five-year plan will include:

a. A community profile and database including assessments of infrastructure, cultural and fine arts resources, housing, primary health care services, natural resources, conservation and recreational facilities. The profile and database shall also include a description of each local government's participation in county or regional economic development plans.

b. A plan to improve the local government(s) involved with respect to infrastructure, cultural and fine arts resources, housing, primary health care services, natural resources, conservation and recreational facilities. The plan shall include a listing of priorities and action steps to meet identified needs.

c. A listing of local community programs which encourage community, business and economic development, including both public and private resources. State and federal programs need not be listed.

d. An analysis of current and potential local tax revenues over the next five years. This analysis shall show the extent of tax abatements for community, business and economic development purposes and use of available tax capacity.

e. A county or regional survey showing the available labor force for the area and current employment.

f. A description of how the public was informed or participated in the development of the community builder plan.

261—80.6(15) Submittal of community builder plans. Applicants shall submit six copies of each community builder plan to the Iowa Department of Economic Development, Community Builder Plan Review, 200 East Grand Avenue, Des Moines, Iowa 50309. The department shall distribute copies of each plan for review by the department of transportation, department of natural resources and Iowa finance authority. At the same time applicants shall submit one copy of each community builder plan to the appropriate regional coordinating council(s) who may submit comments to the Iowa department of economic development within 25 days.

261—80.7(15) Review process. The department shall coordinate a review process for each submitted community builder plan, accept comments on plans from other departments and regional coordinating councils and determine whether the plan meets the requirements stated under rule 80.5(15). The department shall inform applicants in writing within 60 days from time of receipt if the plan meets or does not meet the requirements. If the plan does not meet the requirements, the department shall notify the applicant in writing of any deficiencies. The applicant may resubmit the revised portions for reconsideration after addressing these deficiencies.

261—80.8(15) Certification. The department shall certify the completion of eligible applicants whose plans have met the requirements of the community builder program. Certified applicants shall be notified in writing by the department. The department shall keep a complete listing of certified applicants and the date of their certification. Copies of this listing shall be provided to the department of transportation, the department of natural resources, the Iowa finance authority and all regional coordinating councils and councils of government. Certification shall continue to remain in effect for five years from the date of notification to the applicant. Eligible applicants may submit an updated plan to apply for recertification for another five-year period. This may be done at any time the applicant deems appropriate. Recertification shall remain in effect from the date the applicant is notified by the department of the approval of the updated plan.

261—80.9(15) Amendments. Certified applicants may amend plans once each year before the anniversary of certification. Amendments will be accepted or rejected and will not result in recertifica-

tion but will allow applicants to account for changes in their jurisdictions. If the amendment is not accepted, the original plan will remain certified.

261—80.10(15) Plan required for awardees of state programs. After July 1, 1990, any city, cluster of cities, county, group of counties, unincorporated community or group of unincorporated communities not yet certified but awarded a grant or other initiative under the programs listed in 80.4(2) shall notify the department that it has initiated a process to prepare and submit a community builder plan within six months of the receipt of the award. This plan must be submitted to the department within three years of the receipt of the award to be eligible to receive bonus points on future applications.

261—80.11(15) Compliance. Failure to comply with the requirements of the community builder program will result in the noncertification of the city, cluster of cities, county, group of counties, unincorporated community or group of unincorporated communities resulting in ineligibility for bonus points on future applications.

261—80.12(15) Technical assistance for planning. Contingent on the availability of funding for this purpose, the department may enter into contracts with service providers including, but not limited to, councils of government, Iowa State University extension, the University of Iowa, merged area schools, private colleges, regional coordinating councils, Iowa finance authority and the University of Northern Iowa to provide technical assistance for eligible applicants preparing community builder plans. Eligible applicants are encouraged to seek the assistance of these service providers in preparing their plans.

These rules are intended to implement Iowa Code section 15.308.

261—80.13 to 80.85 Reserved.

DIVISION II ENVIRONMENTAL CRITERIA

261—80.86(15A) Environmental report. Any individual or business applying for assistance through the department of economic development shall report on the application for assistance any cited violation of federal or state environmental statutes, regulations or rules within the past five years and detail the circumstances of the violation(s). If the individual or business fails to report violations and the department discovers such violations, the application for assistance shall be declared ineligible to receive assistance until such time as the report is submitted.

261—80.87(15A) Ineligibility for assistance. Any individual or business which has been referred by the department of natural resources to the attorney general for environmental violations shall be ineligible to receive assistance from the department until such time as the violations have been determined to be corrected.

261—80.88(15A) In-house audit. If the individual or business generates solid or hazardous waste, that individual or business shall be required to conduct an in-house audit and have management plans to reduce the amount of waste and to safely dispose of the waste.

80.88(1) If the individual or business has conducted an in-house audit and developed a management plan within the last three years, submission of a copy of the audit and management plan will fulfill this requirement.

80.88(2) If the individual or business has not conducted an audit within the past three years, the individual or business must initiate the audit prior to the disbursement of financial assistance and submit a copy of the completed audit within 90 days of disbursement of the financial assistance.

261—80.89(15A) External audit. In lieu of an in-house audit, the individual or business may elect to authorize the department of natural resources or the Iowa waste reduction center established under Iowa Code section 268.4 to conduct the audit. A copy of the authorization for the department of natural resources or the Iowa waste reduction center to conduct the audit shall be submitted to the department prior to the disbursement of financial assistance.

261—80.90(15A) Submission of audit. The individual or business must submit a copy of the completed audit conducted by the department of natural resources or the Iowa waste reduction center within 30 days of receipt.

261—80.91(15A) Annual report. Individuals or businesses receiving assistance from the department shall be required to report annually, according to individual program reporting requirements, progress on energy efficiency and waste reduction, until all conditions of the financial assistance have been satisfied.

These rules are intended to implement Iowa Code section 15A.1(3).

[Filed 11/20/90, Notice 9/5/90—published 12/12/90, effective 1/16/91]

[Filed emergency 6/21/91 after Notice 4/17/91—published 7/10/91, effective 6/21/91]

CHAPTERS 81 to 99

Reserved